

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CUNG LE; NATHAN QUARRY, JON)	
FITCH, on behalf of)	
themselves and all others)	
similarly situated,)	
)	
Plaintiffs,)	
)	
vs.)	Case No.
)	2:15-cv-01045-RFB-(PAL)
)	
ZUFFA, LLC, d/b/a Ultimate)	
Fighting Championship and)	
UFC,)	
)	
Defendant.)	
_____)	

HIGHLY CONFIDENTIAL

VIDEOTAPED DEPOSITION OF PAUL OYER

Washington, D.C.

November 29, 2017

8:36 a.m.

REPORTED BY:
Tina Alfaro, RPR, CRR, RMR
Job No: 52564

PAUL OYER. - HIGHLY CONFIDENTIAL

<p style="text-align: right;">90</p> <p>1 PAUL OYER - HIGHLY CONFIDENTIAL</p> <p>2 discussion of salespeople is, in my mind, a wholly</p> <p>3 different thing than any discussion of -- of MMA</p> <p>4 fighters.</p> <p>5 Q. So let's stick to the salespeople for a</p> <p>6 moment, though.</p> <p>7 A. Okay.</p> <p>8 Q. You're drawing that connection, but my</p> <p>9 question didn't.</p> <p>10 A. Okay. Okay.</p> <p>11 Q. So just sticking to the salesperson, right.</p> <p>12 Let's take a salesperson who is paid a percentage of</p> <p>13 revenue generated by an event, a sale, and let's</p> <p>14 assume that salesperson is paid purely in that way,</p> <p>15 on commission.</p> <p>16 A. Uh-huh.</p> <p>17 Q. Would it be appropriate to use wage share</p> <p>18 as a labor economist to analyze the marginal product</p> <p>19 of labor of that salesperson?</p> <p>20 A. No.</p> <p>21 Q. And what I was doing is then just drawing</p> <p>22 the more general point, which I think you're</p> <p>23 agreeing with implicitly but I want to make</p> <p>24 explicit.</p> <p>25 A. Okay.</p>	<p style="text-align: right;">92</p> <p>1 PAUL OYER - HIGHLY CONFIDENTIAL</p> <p>2 for these journals review submissions to the</p> <p>3 journals?</p> <p>4 A. Yes.</p> <p>5 Q. Can you briefly describe the process</p> <p>6 through which you go for evaluating -- in evaluating</p> <p>7 a submitted article?</p> <p>8 A. So do you want me to talk about my role as</p> <p>9 a referee, which is what you've pointed to, or as a</p> <p>10 journal editor? Those are very distinct things.</p> <p>11 Q. So as a referee when you receive an article</p> <p>12 that you are going to assess, what is your process</p> <p>13 for assessing whether that article might be</p> <p>14 appropriate for publication or inappropriate for</p> <p>15 publication?</p> <p>16 A. So the first thing I do when I receive a</p> <p>17 request from a journal to referee a paper is I look</p> <p>18 quickly over the paper to see if it's something</p> <p>19 about which I have an appropriate expertise.</p> <p>20 Q. Okay.</p> <p>21 A. So often I'll get a paper to referee and</p> <p>22 I'll look at it -- I should say on occasion I will</p> <p>23 get a paper to referee and I'll look at it, and I</p> <p>24 will say I don't know enough about this topic to</p> <p>25 offer an opinion about whether this paper should be</p>
<p style="text-align: right;">91</p> <p>1 PAUL OYER - HIGHLY CONFIDENTIAL</p> <p>2 Q. And that means that there isn't necessarily</p> <p>3 a parallel between the form that compensation takes</p> <p>4 in the case of a salesperson, a percentage of the</p> <p>5 revenue from a revenue-generating event, and on the</p> <p>6 other hand the appropriate form of analysis that a</p> <p>7 labor economist would use in analyzing the marginal</p> <p>8 product of labor; is that correct?</p> <p>9 A. Yeah, I think I would agree with that.</p> <p>10 MR. DAVIS: Why don't we take a break.</p> <p>11 THE VIDEOGRAPHER: Going off the record at</p> <p>12 10:47.</p> <p>13 (A short break was had.)</p> <p>14 THE VIDEOGRAPHER: We are going back on the</p> <p>15 record at 11:01. This begins disk No. 3.</p> <p>16 BY MR. DAVIS:</p> <p>17 Q. Okay. So I'm looking at your report, which</p> <p>18 is Exhibit 2, I believe. You probably don't need to</p> <p>19 look at it for this question, but I'm looking at</p> <p>20 page 24 where you list yourself as a referee for</p> <p>21 various journals, primarily it seems economic</p> <p>22 journals. And so you do serve as a referee for</p> <p>23 numerous economic journals; is that correct?</p> <p>24 A. Yes.</p> <p>25 Q. Is one of the things you do as a referee</p>	<p style="text-align: right;">93</p> <p>1 PAUL OYER - HIGHLY CONFIDENTIAL</p> <p>2 published or not.</p> <p>3 Q. Okay.</p> <p>4 A. So that's the first step. Conditional on</p> <p>5 it's appropriate for me to referee the paper, I will</p> <p>6 then read the paper. Well, first you tell the</p> <p>7 journal I will be able to provide you with a</p> <p>8 refereed report. Some time goes by, which is always</p> <p>9 longer than the editor wants and longer than you</p> <p>10 think it's going to be, and you finally sit down,</p> <p>11 usually on an airplane, and read through the paper</p> <p>12 carefully and assess it on several -- and then -- so</p> <p>13 you -- I assess it on several grounds. One is is it</p> <p>14 correct, is it interesting, is it novel relative to</p> <p>15 prior research on related topics. Those are the</p> <p>16 fundamental criteria.</p> <p>17 And then I write -- and then I write two</p> <p>18 things. I write what's called a refereed report,</p> <p>19 which can be anywhere from a paragraph to six pages,</p> <p>20 in which I say here's what this paper does. These</p> <p>21 are fundamentally critical things. Even on a</p> <p>22 wonderful paper there's nothing good in a referee</p> <p>23 report other than up front you say this is a good</p> <p>24 paper or something. The rest is entirely critical</p> <p>25 because that's how you make the paper -- that's the</p>

24 (Pages 90 to 93)